

"Rapid Transit" in Manhattan To Be by 'Bus and Truck

Continued from preceding page

created fare submitted to the people on referendum vote, so as to get their views? Would you be willing to give the men what they demand and submit the question of an increased fare to a referendum vote?

"We couldn't meet the payroll if we accepted the demands of the men," said Mr. Quackenbush.

This ended the conference, the Mayor and Commissioner Enright and Commissioner Swann.

Mr. Commissioner, please give the Interborough company all the police protection that the circumstances warrant."

Conspiracy Law Cited by Swann

District Attorney Swann, who started an inquiry yesterday to establish whether the Interborough conspired with its employees to force increased fares through a strike, pointed out, following a conference with Brotherhood leaders, that under the conspiracy law circumstantial evidence is sufficient to warrant a prosecution. Section 580, subdivision 6, of the law reads as follows:

If two or more persons conspire to

Brotherhood Officials Deny Plot

With Company to Raise Fares

Union Leaders Say They Were Told Wages Couldn't Be Raised Without More Revenue, but Discovered That Was a Problem for Financiers and Not for Workers

District Attorney Swann yesterday began his inquiry to learn whether there was collusion or conspiracy between the Interborough and its employees to force an increased fare through a strike.

Patrick J. Connolly, acting president of the Interborough Brotherhood; M. J. Mangano, its secretary, and Thomas M. Fazzakerley, president of the Brotherhood of New York Railways Company Employees, were examined by Mr. Swann.

Frank H. Hedley, vice-president and general manager of the Interborough, who also had been summoned, did not appear. Hedley, however, stated that he was sorry to have to tell this, but it seems to be like trying to get blood out of a stone.

"We told him that we would allow him until 4 o'clock Saturday afternoon to decide, and that if he did not grant the demands we would then tell him what we would do."

"We then waited on the Mayor with but one thing in mind. We believed it was our duty to see him, since he was the properly elected representative of the people. The Mayor put us on trial right away. Then we waited on the Public Service Commissioner, who handed us like gentlemen."

Fazzakerley Denies Plot

Fazzakerley made the following statement after his examination by District Attorney Swann:

"Mr. Swann asked me whether there was any connection between the New York Railways Company and the Interborough Brotherhood. I told him that there was none, except the natural sympathy existing between railroad men. Mr. Swann wanted to know if any of the officials of the Interborough had ever made any suggestion to our organization advocating an eight cent fare, depending on any increase we obtained. I told him 'No,' but I said that the financial condition of the company was very well known to us, and unless the company did obtain some additional revenue it would be pretty hard for their employees to obtain more money."

In response to Mr. Swann's questions I told him that notwithstanding what we had, on August 12, made a demand on Receiver Hedges for a 10 per cent increase to take effect tomorrow. I told Mr. Swann that this was only a preliminary demand pending a revision of the entire wage schedule and that as soon as this was completed we would make further demands upon the company. I informed the District Attorney that the fact that the company did not have money to meet these demands was its own problem and not ours."

The District Attorney was insistent in trying to ascertain if any of the officials of the company or Mr. Hedley had made any suggestions in regard to resolutions that were adopted by the employees, and I told him 'No.' I told him those resolutions were drafted by me, with the assistance of Harry Masterson, vice-president of the association, and Thomas Neville, its secretary. These resolutions were placed before the general body and adopted and ratified by the combined locals."

"No official of the Interborough or the New York Railways Company had anything to do with them. The District Attorney asked many questions regarding the Interborough and I told him I knew nothing about the Interborough's affairs with its employees, having enough to do with the management of the affairs of our own association."

"I talked with the delegates and recommended that at this time we seek a 10 per cent increase as a temporary measure. They disagreed. Some demanded 50 per cent, others 60, others 55 per cent more. Some wanted a flat rate of 10 cents an hour. I finally got them to agree to a 20 per cent increase as a temporary measure with the understanding that we reserve the right to demand of the company at any time as good wages or better than any wages of a kindred nature in this vicinity."

"We voted to submit 20 per cent as a temporary measure. We called Mr. Hedley into our meeting and informed him of our action. I explained our request and he again talked of the financial condition of the Interborough and told us that if the company got no more revenue we couldn't get a cent more, as he had already scripped the bottom of the till."

"He offered to assume responsibility of giving us a 10 per cent increase to take effect August 17, stating that this would bring the sheriff a little sooner than he had expected. After an unlimited debate we accepted the proposition offered by Hedley temporarily."

"Wednesday I went to the Queensboro Building, 156 East Forty-second Street, and drafted a circular letter addressing to the employees that we had succeeded in obtaining a 10 per cent increase. I had 15,000 of these printed and distributed among the employees. This was all done in one day."

"Thursday morning the dissatisfaction among the men seemed to have increased. I called a special meeting of the delegates at 10 o'clock Thursday night and at that meeting the president was instructed to appoint a representative committee to take up with the management our demands."

Connolly then outlined the demands

commit any act injurious to the public health, to public morals or to trade or commerce or for the perversion or obstruction of justice or of the due administration of the laws, each of them is guilty of a misdemeanor."

In the case of Kelly against the people the Court of Appeals said:

A conspiracy may be proved by circumstantial evidence and parties performing disconnected overt acts all contributing to the same result and the consummation of the offense may, by the circumstances and their general connection or otherwise, be satisfactorily shown to be conspirators and confederates in the commission of the offense."

Other decisions of the Court of Appeals and Appellate Division say:

The unlawful intent is to be inferred from all the circumstances of the case.

Where parties are acting in concert in a conspiracy their acts and admissions are evidence against any one of their number.

The offense is complete upon proof of the unlawful agreement and of an overt act done to effect the object thereof by one or more of the parties to the agreement. The unlawful agreement and the necessary criminal intent may be proved by circumstantial evidence."

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Manager Hedley Mails

Appeal to His Men

IT WAS announced at the Interborough offices last night that the following, headed "Notice and Urgent Appeal to the Members of the Brotherhood of Interborough Rapid Transit Company Employees," had been sent to every man affected by the strike order:

"Referring to the meeting held before the Board of Estimate and Apportionment this afternoon, I earnestly request you men not to leave your positions. This afternoon his honor the Mayor asked me to make this request, and his words were as follows:

"You have a list of all the members of the employees of your company. Will you send a letter out to them, asking them to remain in their posts and remain on the job until such a time as you are able to call them together and that the city officials and Interborough officials will have an opportunity to talk to them? Will you send out such a communication?"

"May I depend upon you remaining at your posts and performing your work, until such time as it is possible for a meeting to be arranged whereby the city officials and the officers of the Interborough Rapid Transit Company may have full opportunity to discuss this matter? I again earnestly urge you not to leave your positions."

"FRANK HEDLEY,"

"Vice president and general manager."

A clerk in Mr. Hedley's office revealed that the notice was to be mailed to the employees.

He said the signal men would set the "tripper plugs," which operate to the main lines and act as emergency brakes. These plugs when set, take control of the motorman's hands and stop everything. Others in the electrical divisions were sent out to see that everything was in good shape for a shutdown. Electrical devices and signals will all be given an inspection before the men who work them walk out.

Brotherhood members were told to keep a watchful eye on the Labor Union, in West Eighty-sixth Street, where the Amalgamated Association of Street and Electric Railway Employees, the "outside" union, is recruiting members.

Amalgamated officials are still conducting their organization campaign and say they will control the I. R. T. carmen before long.

Amalgamated Will Run B.R.T. Subway

Will Not Furnish Men to Break I. R. T. Strike, Says Patrick J. Shea

Patrick J. Shea, representing the Amalgamated Association of Street and Electric Railway Employees, which recently won its strike against the Brooklyn Rapid Transit Company, said last night that his organization would operate the Broadway subway of the B. R. T., which runs from Coney Island to Fifty-seventh Street and Seventh Avenue, Manhattan, if power were supplied. The power is furnished by the Interborough.

"We will not, however," said Shea, "furnish men to break the strike. We only will perform our agreement, entered into with the B. R. T. and officials of the city and state, to operate the cars of the B. R. T. which run in Manhattan."

"Threats" Basis of Conspiracy Charge

Mayor Sends Letters From Hedges, I. R. T. and Union as Evidence

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Rival Unions Struggle To Control Car Men

Amalgamated, Which Is National Organization, Arraigns Brotherhood as I. R. T. Tool

The contest between the New York Railways Brotherhood and the Amalgamated Association of Street and Electric Railway Employees over the unionization of the platform personnel of the surface lines was carried yesterday by the Amalgamated to Judge Julius M. Mayer, of the United States District Court. Seventy-five employees of the New York Railways, who disregarded the Brotherhood's warning to ignore the Amalgamated, were dis-

missed, it is said, and Louis Fridiger, counsel of the Amalgamated, wrote a letter to Judge Mayer, requesting that Job Hedges, the receiver appointed by the Federal court, for the New York Railways, be required to reinstate them at once.

Judge Mayer was told that the Amalgamated leaders were religiously observing a pledge to do their best to avoid a strike in the interests of the public, and Mr. Fridiger added:

"The least we may expect of you is that you do the same."

Mr. Fridiger, who was one of the leaders of the strike against the B. R. T., disclaimed any feeling of chastity at the fact that Hedges had been authorized by Judge Mayer, had granted a 10 per cent increase of wages without pressure from the Amalgamated. He said his complaint was based solely upon the receiver's action in dismissing the men, whether of his own volition or at the behest of the

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"Taken together, they seem to have a single inspiration and a common purpose, amounting to criminal conspiracy, to compel the city authorities, by threats of one kind and another to give the railway companies extra fare."

The supposition of the receiver, the I. R. T. and of the president of the Brotherhood, for police protection does not ring true to me. It sounds as though some one in authority had said to the men, 'You go ahead and strike and make plenty of trouble and the city will have to give us increased fares, which we can divide up.'"

Thinks Threat Violates Law

"Furthermore, I have a strong notion that the letter of Receiver Hedges, under date of August 8, constitutes a distinct threat to me of the kind that is prohibited by the Penal Code, sections 530 and 540."

The "threat" the Mayor referred to is embodied in the following excerpt from Mr. Hedges' letter of August 8: "Upon the failure of any public official in the city of New York to perform his constitutional duty (afford police protection in the event of a strike) I shall lay charges before the Governor asking for the removal of that official."

The letter from Mr. Fazzakerley, referred to by the Mayor, was dated August 8, saying that the Brotherhood recognized that streetcar fares at this time were not sufficient for the operation of the roads. In it, Mr. Fazzakerley promised the loyal cooperation of the Brotherhood in carrying out its agreement with the company, providing its members were assured the protection they were entitled to as citizens.

Union Asks "Protection"

This was amplified by the following passage from resolutions adopted by the Brotherhood August 8 and forwarded to the Mayor:

"We stand ready to carry out our agreement with the company provided we are assured . . . protection. If the forces of law and order fail to function . . . we stand ready to put the cars in the barns and call a strike which will be a real strike."

Receiver Hedges told the Brotherhood at the meeting at which these resolutions were adopted that when he wrote his letter to the Mayor he was not advised that the Brotherhood was arranging to have a meeting."

The I. R. T. statement of August 9, cited by the Mayor as an element in the alleged conspiracy, set forth that "two things can be done by the public authorities to prevent any interruption of the subway and elevated service."

These two things, it was declared, were (1) "increase fare to permit wage increases" and (2) "police protection to keep rapid transit going if a strike is called."

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Brotherhood, which threatened to procure the discharge of all platform men who attended the Amalgamated mass meeting Friday night.

The letter to Judge Mayer, copies of which were sent to the Mayor and to Public Service Commissioner Nixon, follows:

"Pursuant to our promise, solemnly and earnestly given to you, Public Service Commissioner Nixon and Mayor Hylan last Saturday night by Mr. Shea and myself, we took every means to avoid a strike on the lines of the New York Railways Company, of which your receiver, Job E. Hedges, is in charge. It is needless to say that this promise was made upon your request, coupled with that of Mayor Hylan and Mr. Nixon."

Revised Judge of Pledge

"Both Mr. Shea and I assumed that you believed the situation was such

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Give a Thought To Your Home

Think of the innumerable germs that lurk unseen in your home.

No matter how clean you keep your home, some household germs are bound to get in and every day this germ spreads disease that endangers the health of your family. Only a reliable fumigation process will positively rid your home of these pests and leave it safe and healthy.

Our scientific, odorless process is the result of many years' experience. It is harmless to all furnishings and most effective. In a few hours time our guaranteed process will rid your premises of all household vermin and disease germs.

A book entitled "Measures of Disease" sent free on request. Tell of the known means to rid your home of vermin and disease germs. Write, phone or call for full particulars of our invaluable service.

GUARANTEE EXTERMINATING COMPANY